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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,152	07/22/2005	Friedhelm Piepenstock	Piepenstock	2633

25889 7590 10/26/2007
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EXAMINER

WILLIAMS, THOMAS J

ART UNIT	PAPER NUMBER
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3683

MAIL DATE	DELIVERY MODE
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10/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/543,152	Applicant(s) PIEPENSTOCK ET AL.	
	Examiner Thomas J. Williams	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgement is made in the receipt of the amendment filed September 13, 2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

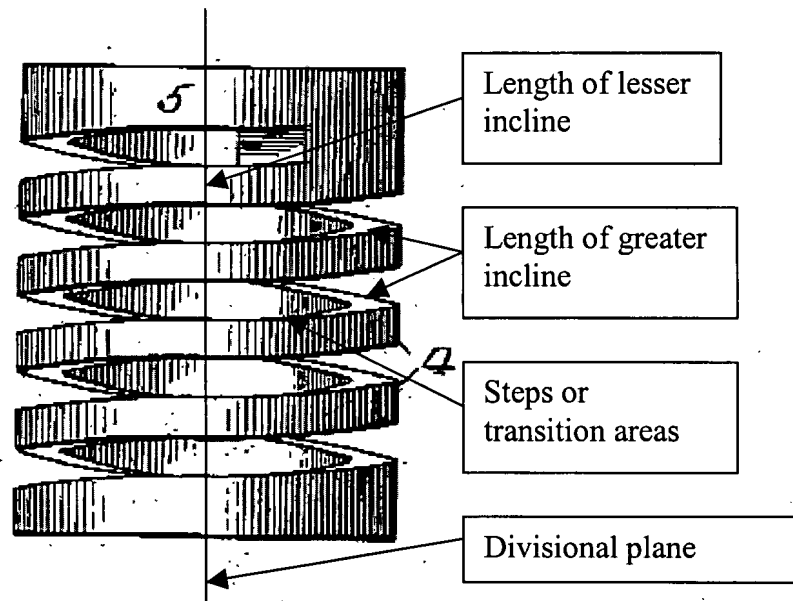
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over US RE-14,287 to Knudsen in view of US 3,084,926 to Lemelson.

Re-claim 1, Knudsen teaches a helical compression spring having precisely one spring body in helical line shape, having several windings and having planer end disks (see planer end disks 6 and figure 3, which is substantially identical to instant figure 3, and as such is interpreted as illustrating a planer disk), each winding has an incline and at least one segment has a lesser incline than the incline of the winding, all the segments of the windings are disposed

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symmetrically to precisely one divisional plane of the helical compression spring. See marked figure below:



The spring being configured as an injection molded part appears to be a product-by-process recitation. As stated in the MPEP, a process of manufacturing a product can not be relied upon when overcoming the prior art of record in an apparatus claim. However, for sake of clarity the examiner will address the claim as presented.

Knudsen fails to teach the spring being configured as an injection molded part. Lemelson teaches a helical coil spring manufactured using an injection molding process, as such the spring is configured as an injection molded part. This process is common when manufacturing springs from a plastic material. As such it would have been obvious to one of ordinary skill in the art to have molded the spring of Knudsen from a plastic and to have configured the spring as an

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injection molded part as taught by Lemelson, thus reducing the weight of the spring and to have provided as easy means by which to manufacture the spring.

Re-claim 2, each winding is provided with segments of lesser incline, see marked figure.

Re-claim 3, the lesser incline segments have a value of essentially zero, as seen in the marked figure.

Re-claim 4, see the marked figure for what is interpreted as the steps, or transition points.

Response to Arguments

5. Applicant's arguments filed September 13, 2007 have been fully considered but they are not persuasive. It is the position of the examiner that the spring of Knudsen is substantially similar to the instant invention. Each spring is formed as a closed unit, in that each has a planer end sections broadly interpreted as planer end disks. Furthermore, it is unclear how the applicant can take the position that Knudsen fails to teach planer end disks when the applicant's planer end disks are substantially identical to the planer end disks of Knudsen, see instant figure 3 and figure 3 of Knudsen. With regards to the segments having a lesser incline, the examiner points out the winding segments that take on a horizontal angle (with respect to the axial length of the coil spring), and as shown in the above figure. Inflection points are clearly visible, and as such are interpreted as transition points from a greater incline to a lesser incline back to a greater incline. As such the rejection is maintained.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The

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applicant amended claim 1 to more clearly state the spring having precisely one spring body in helical line shape, this is interpreted as an attempt to overcome the references be restricting the presence of other elements at the ends of the spring.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Wednesday-Friday from 6:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached at 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

October 23, 2007

THOMAS J. WILLIAMS
PRIMARY EXAMINER

Thomas J. Williams
Au 3683
10-23-07